JUN 2 3 2016

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX – SOUTHERN CALIFORNIA FIELD OFFICE
600 WILSHIRE BLVD, Suite 1460
Los Angeles, CA 90017

CERTIFIED MAIL 7015 0640 0001 1118 2155
RETURN RECEIPT REQUESTED
In Reply Refer to: ENF-3-2

Mr. Richard Warpack, President
Modern Concepts
3121 East Ana Street
Compton, CA 90221

Dear Mr. Warpack:

The purpose of this letter is to transmit to you EPA's Clean Water Act (CWA) inspection report for the Modern Concepts Inc. facility and to notify you of significant compliance concerns with the Clean Water Act. As you are aware, on February 24, 2016 at 11:30 AM, EPA inspected Modern Concepts, Inc. to determine if the facility is in compliance with the CWA and the requirements of the State of California's *NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities* (Industrial General Permit or IGP, No. CAS000001; Water Quality Order No. 2014-0057-DWQ).

As described more fully in the enclosed inspection report, EPA has identified a number of areas of concern. For example, it appears that Modern Concepts did not:

- Implement BMPs to eliminate discharges of plastic in storm water as specified in Section XVIII of the permit, Special Requirements – Plastic Materials.
- Implement good housekeeping practices at the Facility. For example, the SWPPP makes no mention of plastic materials that may discharge offsite to be cleaned up in a timely manner.
- Develop a training schedule or a training certification for employees or document employee training provided.
- Develop or implement a method of tracking and recording BMP implementation at the Facility.
- Include all minimum information on the Facility site map per the Permit.
- Include in Table 2 of the SWPPP a complete list of industrial materials handled at the facility that specified the locations of where each material is stored, received, shipped, as well as typical quantities.
- Include a complete description of potential pollutant sources as it relates to industrial processes, materials handling and storage areas, and significant spills and leaks.

- Prepare a Monitoring Implementation Plan (MIP) and screen pH in accordance with EPA requirements, which require pH screens be performed as soon as practicable, no later than 15 minutes after the sample is collected. (See Attachment H of the permit).

If you would like to respond to the inspection report or submit any other information EPA should be aware of, please send a written response within 30 days of receipt of this letter. If you have stormwater related questions, please contact Daniel Haskell at (213) 244-1816 or via email at haskell.daniel@epa.gov.

Sincerely,

David Wampler, Chief
Clean Water Enforcement Section II

Enclosure: Inspection reports w/attachments

cc: Ejigu Solomon, LA RWQCB (via email w/enclosure)

Region 9 Enforcement Division
75 Hawthorne Street
San Francisco, CA 94105

INSPECTION REPORT

Inspection Date:	02/24/2016		
Time:	**Entry:** 11:30 a.m.	**Exit:** 2:45 p.m.	
Media:	Water		
Regulatory Program:	CWA NPDES/Industrial Storm Water		
Company Name:	Modern Concepts, Inc.		
Facility or Site Name:	Modern Concepts, Inc.		
Facility/Site Physical Location:	3121 East Ana Street		
(city, state, zip code)	Compton, CA 90221		
Geographic Coordinates:	33°51'44.21"N, 118°12'23.16"W		
Weather	Sunny, no clouds		
Facility/Site Contact:	Richard Warpack	President	
	310-637-0013		
County:	Los Angeles County		
Facility/Site Identifier:	CA WDID#: 4 19I018552		
NPDES Number:	CAS000001		
SWRCB Order Number:	2014-0057-DWQ		
SIC Code:	3087 – Custom Compounding of Purchased Plastic Resins (SIC code identified on facility's SWPPP dated 06/29/2015)		
Facility/Site Personnel Participating in Inspection:			
Richard Warpack	President		
Aris Barrios	Vice President		
Inspector:			
Daniel Haskell (Lead)	Water Section II Southern California Field Office, Enforcement Division	Inspector	213-244-1816
Signature: David A Haskell		Date: **06/22/16**	
Supervisor Review:			
David Wampler	US EPA Region, ENF 3-2	Water Enforcement II Section Chief	415-972-3975
Signature:		Date: 6/22/2016.	

SECTION I – INTRODUCTION

Purpose of the Inspection

On February 24, 2016, I, Daniel Haskell, a U.S. Environmental Protection Agency (EPA) Clean Water Act Inspector conducted an industrial storm water inspection of Modern Concepts, Inc. (Modern Concepts or the Facility). The purpose of the inspection was to determine compliance with the requirements of the *California State Water Resources Control Board (SWRCB) Order No. 2014-0057-DWQ, National Pollutant Discharge Elimination System (NPDES), General Permit No. CAS000001* for Discharges of Storm Water Associated with Industrial Activities (the Permit). The unannounced inspection consisted of two parts, a records review and a general Facility walk-through.

Opening Conference

Upon arriving at the Facility at 11:30 a.m. on February 24, 2016, I met with Mr. Richard Warpack (President, Modern Concepts, Inc.) and Mr. Aris Barrios (Vice President, Modern Concepts, Inc.). I presented my credential, and explained the purpose of the inspection. Records were requested and a records review process was initiated.

Facility/Site Description

The Modern Concepts Inc. facility operates primarily in coloring and finishing of plastics products for the plastic processing market. Refer to the *Google Earth* imagery below for an aerial shot of the facility (Image A). As described in the Facility Storm Water Pollution Prevention Plan (SWPPP Effective Date 06/29/2015), "the standard industrial classification (SIC) code number describing the facility's industrial processes is 3087." According to the United States Department of Labor, the description for 3087 is primarily engaged in custom compounding of purchased plastics resins. The Facility is approximately 40,000 square feet which accommodates all offices, warehouses space, and areas of industrial activity. The Facility is bounded to the southwest by East Ana Street, and by other surrounding neighboring businesses and industrial facilities. According to the SWPPP, the Facility is approximately 45.45 percent impervious. However, after confirming site conditions during the inspection as shown in Image A, and creating the Attachment A, Photo Log, I determined that the percent impervious area of the Facility is closer to 99 percent.

According to the SWPPP site map provided during the inspection, the Facility has two discharge points located along the southern facility border facing East Ana St. The discharge point located at the entrance of the Facility parking lot at the south east corner is the primary discharge point most representative of facility conditions. The site map labels this discharge point as Main Drain Discharge A. Main Drain Discharge A receives storm water discharge from the silo storage area, backyard, parking lot, and shipping dock discharges which includes the southern portion of the roof via a 3 x 6 inch down spout. According to the SWPPP site map, the storm water flow path begins at the silo

storage/backyard area, and follows a trench along the parking lot (See Attachment A; Images 0006, 0007, and 0053).

The discharge point located at the southwest corner of the Facility is labeled Sump Pump Discharge B according to the site map. Sump Pump Discharge B receives storm water discharge from a separate smaller discharge area of the facility at the southwest shipping dock. It has a sump pump, which is contained until the pump is automatically activated by a float level and is discharged to East Ana St. The adjacent storm drain maps were also taken off the Los Angeles Department of Public Works website (Image B). The closest storm drains to these discharge points are Compton Creek to the west (Image C) and Susana Drain to the east (Image D) both of which, are on East Ana St.

Image A: Google Earth image of Facility
3121 East Ana Street, Compton, CA 90221

(Red arrows indicate discharge points from storm water flowpath blue arrows, Based on EPA observations on February 24, 2016 and SWPPP Site map)

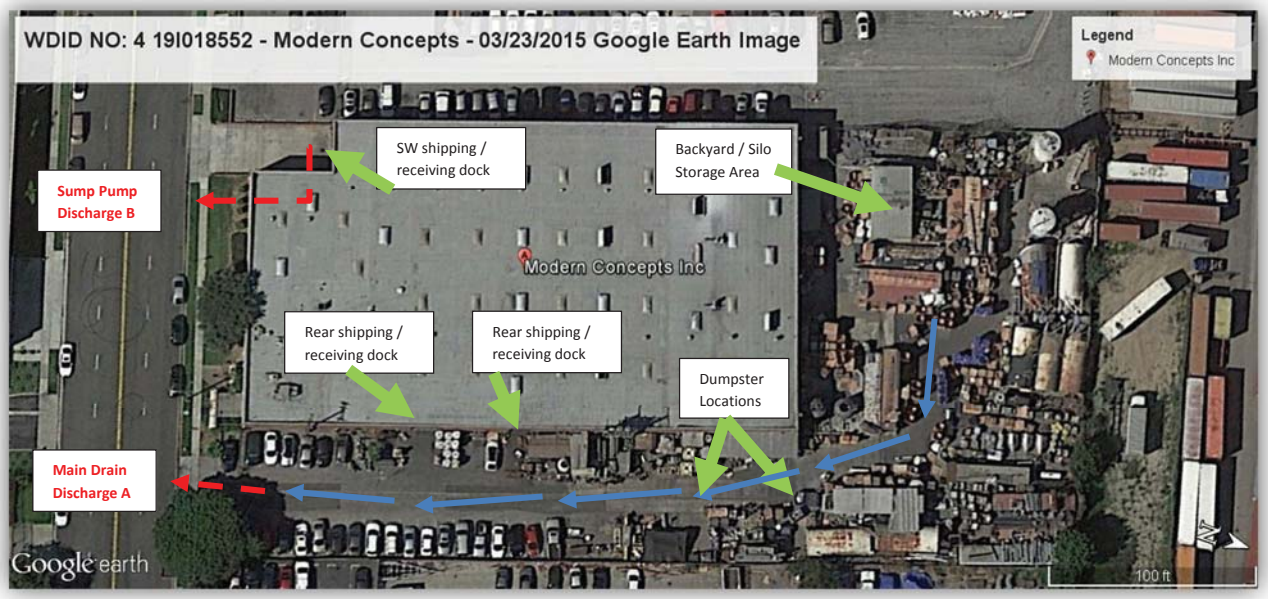


Image B: Los Angeles Department of Public Works image of Facility's discharge (red box) and MS4 flow path (blue lines) to Compton Creek

Image C: Los Angeles Department of Public Works zoomed-in image of storm drain adjacent to Facility which flows into Compton Creek

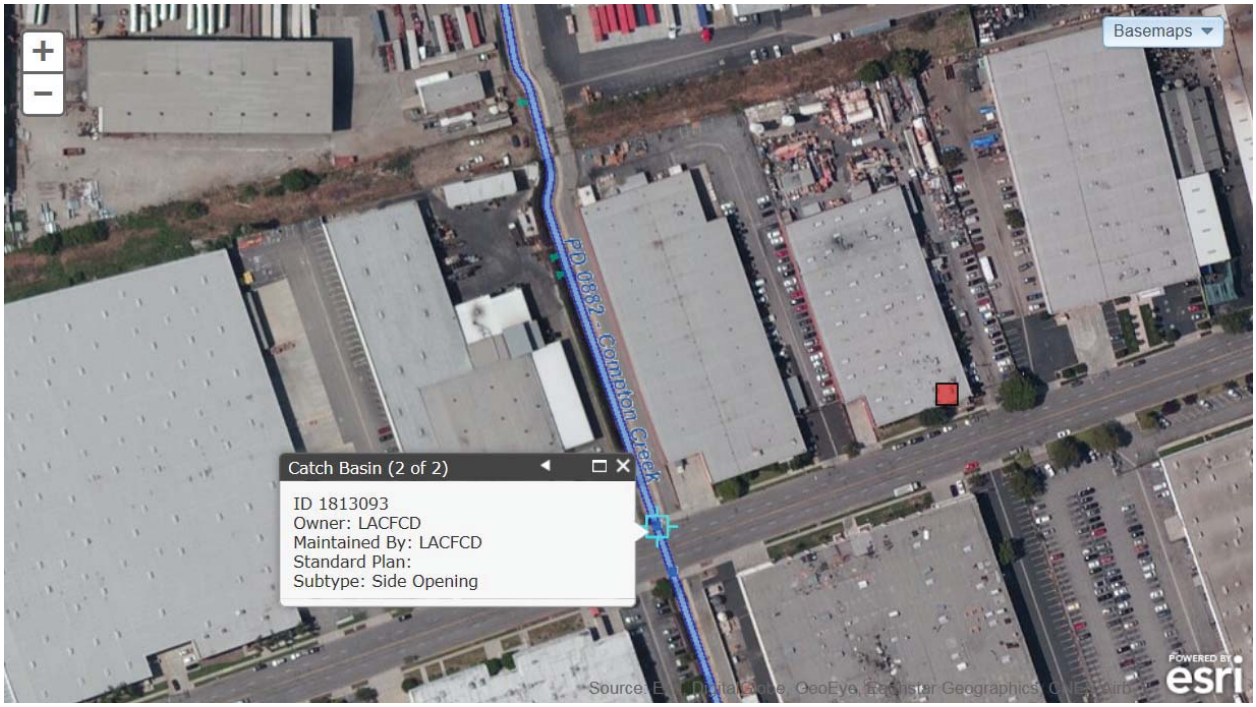
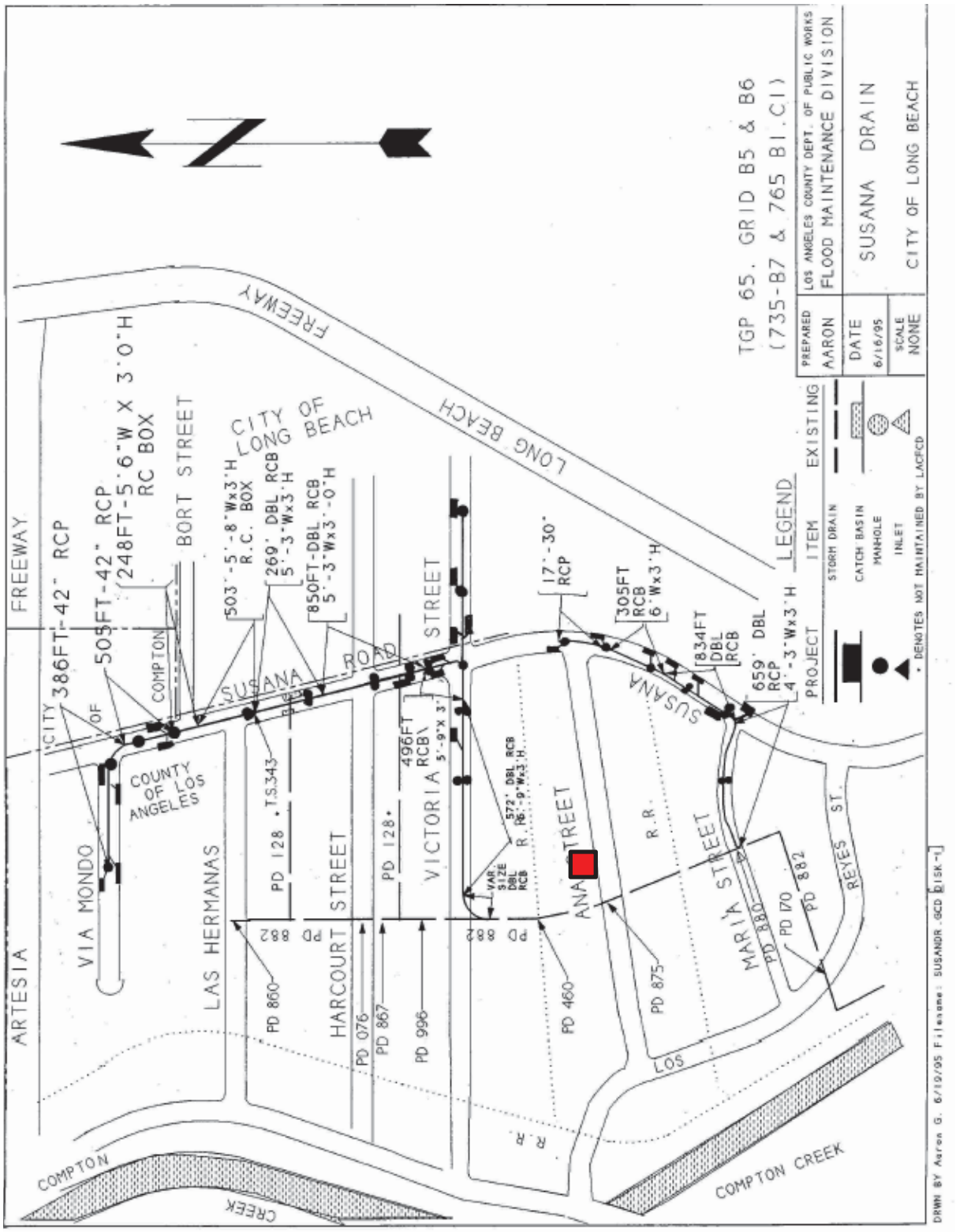


Image D: Los Angeles Department of Public Works Susana Drain schematic of MS4 (Red box indicates location of facility)



SECTION II – OBSERVATIONS

The inspection began with an opening conference with Mr. Warpack where I explained the objectives of the inspection. Mr Warpack verbally gave me consent to conduct the inspection. Next, I requested all pertinent stormwater records from Mr. Warpack within the last 2 years, including the SWPPP, Annual Reports, Site Map, Monitoring Implementation Plan, and training records. Mr. Warpack provided me the following documentation: an unsigned SWPPP with an effective date of 06/29/2015; two (2) Laboratory Analysis Reports analyzed on December 29, 2015 and January 14, 2016 respectively with chain of custody forms; a daily parking lot/back yard cleaning log from 02/15/2016 to 02/24/2016; a monthly inspection log from 07/08/15 – 12/19/2015; the SWPPP site map, and the 2013 – 2014 and 2014 – 2015 annual reports. A hard copy of the SWPPP was not available at time of the inspection, and had to be printed. Specifically, I discussed some of the development and implementation requirements outlined in the SWPPP regarding preparation of a training schedule, conducting trainings for spill response employees and all pollution prevention team members, and training documentation requirements. Mr. Warpack said that all stormwater training for staff was conducted during OSHA training, which I read was specified in the SWPPP. However no training certification for staff as outlined in the SWPPP was provided to me at the time of the inspection.

I observed that the SWPPP lacked a Monitoring Program. The Monitoring Implementation Plan (MIP) requirement is specified by Section X.I. of the Permit. The MIP must be included in the SWPPP and should include discharge locations, visual observation procedures, instrument calibration requirements and a sample chain-of-custody to be used when transporting samples to the lab. Additionally, the SWPPP states "Modern Concepts maintains [sic] a current Contingency and Emergency Preparedness Plan in case of a [sic] hazardous material spill." However, Mr. Warpack stated that no such plan was ever written, and also said was not needed because little to no hazardous waste was handled on site. Later however, during the closing conference, I referenced my site-walk through and said I did see barrels labeled as hazardous (see Attachment A; Images 0020).

According to the SWPPP, the Facility SIC code 3087 – Custom Compounding of Purchased Plastic Resins. Yet the SWPPP makes no mention of the additional special requirements Modern Concepts is required to take to handle Plastic Materials. When I asked Mr. Warpack if he was familiar with these special requirement outlined in Section XVIII of the permit, he said he was not. For example, Section XVIII.A.1.c requires plastic facilities to use durable sealed containers designed not to rupture typical loading and unloading activities at all points of plastic transfer and storage. However, as shown in Images 0026 – 0031 of the Attachment A photo log there were numerous occurances of spilled plastic pellets on impervious area throughout the facility.

After the records review, I conducted a Facility walk-through with Mr. Warpack. I observed multiple issues with respect to good housekeeping, preventative maintenance,

and spill response near the shipping/receiving loading docks. For example, I observed forklift maintenance under a tarp being conducted outside in the parking lot (see Attachment A; Images 008 to 0011) without BMP implementation taking account for impervious surface. I also observed multiple super sacks and storage boxes leaking plastic resin pellets in the parking lot and in the silo storage/backyard area (see Attachment A; Images 0026 – 0031) without necessary secondary containment.

After the walk-through, I held a closing conference with Mr Warpack and relayed my findings. We discussed the need for good housekeeping practices onsite, and the importance of pollution prevention.

Back at my office, I reviewed the two (2) chain of custody forms that were provided to me during the inspection. I determined that the facility did not sample stormwater from each drainage area at all discharge locations, as required in Section XI.B.4 of the permit. The site map indicates Main Drain Discharge A and Sump Pump Discharge B as having distinct drainage areas. No representative sampling reduction justification was provided during the inspection as required in Section XI.C.b. Although Sump Pump Discharge B has a smaller drainage area than Main Drain Discharge A, the permit requires the facility to sample both these discharge points. Sump Pump Discharge B was not sampled in the last two (2) chain of custody forms submitted. Additionally, the facility did not ensure that the collection, preservation and handling of all storm water samples are in accordance with Attachment H, Storm Water Sample Collection and Handling Instructions. For example, the pH screen must be performed as soon as practicable no later than 15 minutes after the sample is collected. Instead the pH measurement was sent to contract laboratory for analysis. In the December 29, 2015 laboratory analysis report, this was done two days after the sample collection.

SWPPP Implementation – Minimum Required BMPs (Section X.H.1)

	Yes/No	**Comments**
Good Housekeeping	**No**	I observed polystyrene resin plastic pellets on the impervious surfaces exposed to wind dispersion and storm water runoff located at and around the Facility storage areas, and around the dumpster, as well as up gradient of the Main Drain Discharge A and sample location (Images 0018-0019; 0023-0036).
Preventative maintenance	**No**	I observed no pollution prevention equipment onsite. I observed no records of inspection for testing and maintenance of pollution prevention equipment. I observed that the Facility had not documented initial and annual refresher training for spill and leak response personnel at the Facility. SWPPP Section, Preventative Maintenance Section 8.2, states “[Maintenance

		Supervisor] is trained in spill prevention and response." Mr. Warpack stated that spill response training had been provided; however, documentation of this training had not been maintained.
Spill response	**No**	I observed that the Facility had not documented a Contingency and Emergency Preparedness Plan at the Facility. SWPPP Section, Spill Prevention and Response Procedures Section 8.4, states "Modern Concepts maintains a current Contingency and Emergency Preparedness Plan in case of hazardous material spill." Mr. Warpack stated that little to no hazardous material is handled on site that would warrant such a plan; however, Image 0020 illustrated at least 2 barrels of hazardous material stored outside under pallets onsite. Additionally, the facility is registered with the Los Angeles County Fire Department to handle Hazardous material with an assigned CERS ID number 10269547. I observed ongoing forklift maintenance at the Facility. SWPPP Section, Spill Prevention and Response Procedures Section 8.4, states "Vehicles are not serviced at this facility." See Images 008-0011. Mr. Warpack confirmed the forklift was indeed being worked on.
Material handling and waste management	**No**	Refer to Good Housekeeping Minimum BMP checklist observation above.
Erosion and sediment controls	**Not Applicable (NA)**	The Facility is approximately 99 percent impervious.
Employee Training	**No**	I observed that the Facility had not developed a training schedule or a training certification for employees or documented employee training provided. SWPPP Section 8.6 Employee Training and Section 10.5 Training, states "Employee training is conducted annually for all personal responsible [and Manufacturing Manager] for implementation activities, and Appendix 3 contained a training verification form". Mr. Warpack stated that all stormwater training was conducted at the time of OSHA training; however, no stormwater training documentation was maintained. See permit X.H.1.f requirement to develop a training program and maintain records.
	No	I observed that the Facility had not developed or implemented a method of tracking and

Quality assurance and recordkeeping		recording BMP implementation at the Facility. SWPPP Section 8.7, Record Keeping and Internal Reporting Procedures does not discuss a method of tracking and recording the implementation of BMPs identified in the SWPPP, as required in Section X.H.1.g of the permit. Based on discussions with Facility Contacts, I observed that Modern Concepts was not aware of this requirement or any BMP tracking method or documentation.

SWPPP Implementation – Advanced Minimum Required BMPs (Section X.H.2)

	Yes/No	Comments
Advanced BMPs implemented at facility?	**NA**	
Exposure minimization BMPs	**NA**	
Containment and discharge reduction BMPs	**NA**	
Treatment Control BMPs	**NA**	
Other advanced BMPs	**No**	Refer to Special Requirements – Plastic Materials (Section XVIII) of checklist for additional details.

STORM WATER POLLUTION PREVENTION PLAN REVIEW

General Permit Section

	Yes/No	Comments
Signed Certification	**No**	The digital copy of the SWPPP that was printed upon commencement of the inspection did not have a placeholder for a facility contact to sign and certify the SWPPP.
Pollution Prevention Team	**No**	I observed that the Pollution Prevention Team outlined in Section 6.0 of the SWPPP did not accurately describe the responsibilities, duties, and activities of all team members. Specifically, position descriptions were provided without identifying each team member. Additionally, no team member was identified as having the responsibility of sample collection.

Existing Facility Plans	**NA**	

Site Map(s) Section X.E

	Yes/No	Comments
Facility boundaries	**Yes**	
Drainage areas	**No**	Drainage areas for the runoff from roof flow down spouts located on the north and west side of the building were not illustrated.
Direction of flow	**Yes**	
On-facility water bodies	**NA**	
Areas of soil erosion	**NA**	The Facility characterized the impervious cover to be approximately 43.4 percent; however aerial images and a site walk-through determined the facility was closer to approximately 99 percent impervious.
Nearby water bodies	**No**	Los Angeles River and Compton Creek were not illustrated.
Municipal storm drain inlets	**No**	Both municipal storm drain inlets 280 feet to the west and 375 feet to the east on East Ana Street respectively, were not illustrated.
Points of discharge	**Yes**	There are two points of discharge illustrated: The Main Drain Discharge A and the Sump Pump Discharge B
Sampling locations	**No**	The locations of storm water collection areas associated with discharge locations were not illustrated. A description of the sites are also required per the MIP. See Attachment H of the Permit.
Structural control measures	**NA**	No structural control measures had been implemented at the time of the inspection.
Impervious areas	**No**	Percent impervious area was not illustrated
Location of directly exposed materials	**No**	Storage materials stored outside directly exposed to precipitation were not illustrated
Locations of significant leaks and spills	**NA**	
Areas of industrial activity	**No**	Areas of industrial activity were not illustrated
Storage areas / storage tanks	**No**	Only silo storage area illustrated
Shipping and receiving areas	**No**	Shipping and receiving docks are not illustrated
	No	Fueling area of forklift not illustrated.

Fueling areas		
Vehicle and equipment storage/maintenance areas	**No**	Ongoing maintenance of a forklift was not illustrated
Material handling/processing areas	**No**	Material handling and processing areas not illustrated
Waste treatment/disposal areas	**No**	Location of dumpster for disposal of plastic resin pellets no illustrated
Dust or particulate generation areas	**No**	Areas for plastic particle dispersion not illustrated. Area is approximately 99 percent impervious cover
Cleaning and material reuse areas	**NA**	
Other areas of industrial activities	**NA**	

List of Industrial Materials (Section X.F)

	Quantity handled / per *X* *(i.e. frequency)*	**Comments**
Industrial Material(s) / Storage Location	**No**	Table 1 of the SWPPP lists some materials exposed to storm water, but is not a complete list. Additionally, quantity of materials handled not listed
Industrial Material(s) / Shipping & Receiving Location	**No**	Table 1 of the SWPPP lists some materials exposed to storm water, but is not a complete list. Additionally, quantity of materials handled not listed
Industrial Material(s) / Handling Location	**No**	Table 1 of the SWPPP lists some materials exposed to storm water, but is not a complete list. Additionally, quantity of materials handled not listed

Potential Pollution Sources (Section X.G.1)

	Yes/No	**Comments**
Industrial processes	**No**	Section 10.0 of the SWPPP does not completely describe industrial processes such as manufacturing, cleaning, maintenance, recycling, and disposal. The facility describes other regulatory programs such as the Toxic Release Inventory (TRI) requirements
Material handling and storage areas	**No**	Section 7.6.5 Significant Materials and Handling Summary of the SWPPP does not completely describe material handling and storage areas such as the type of material, characteristics, and the quantity of industrial

		materials handled and stored. Additionally, the spill or leak prevention and response procedures cite the Facility's Contingency and Emergency Preparedness Plan which Mr. Warpack confirmed has not yet been written.
Dust and particulate generating activities	**Yes**	
Significant leaks and spills	**No**	Facility contact Mr. Warpack stated that no significant spills have occurred within the previous five-year period; however, there was no list of industrial materials that included the approximate quantity. Additionally, the preventative measures taken by the Facility to ensure spills and leaks of the material do not occur was inadequate. Table 2 of the SWPPP lists plastics enclosed in silos as significant materials stored outside which "minimizes stormwater contact"; however the photo log documents sustainable leaking of super sacks of plastic resin pellets stored outside with potential of exposure to precipitation.
Non-storm water discharges	**Yes**	According to the SWPPP, the Facility does not have any authorized or unauthorized non-storm water discharges.
Erodible surfaces	**NA**	

Assessment of Potential Pollutant Sources (Section X.G.2)

	Yes/No	Comments
Narrative assessment of likely sources of pollutants	**No**	The SWPPP did not provide a narrative assessment of likely sources of pollutants at the site. Section 7.0 of the SWPPP states "no significant materials, as defined under the terms of this permit, are expected to be present in storm water discharges". However, likely sources of pollutants are located at the site. See images 0026 – 0031 in the Attachment A photo log.
Narrative assessment of likely pollutants present in storm water discharges	**No**	The SWPPP did not provide a Narrative assessment of likely pollutants present in storm water discharges.
Identification of additional BMPs	**No**	The SWPPP did not identify minimum or additional BMPs to reduce or prevent pollutants in industrial stormwater discharges.
Identification of drainage areas with no exposure	**NA**	

Identification of additional parameters	**NA**	

Monitoring Implementation Plan (Section X.I)

	Yes/No	Comments
Team Members assigned to conduct the monitoring	**No**	According to the SWPPP, the Pollution Prevention team positions and responsibilities were described, but team members were not identified. Additionally, no team position was identified for stormwater sampling.
Summary of visual observation procedures and locations	**Yes**	A parking lot / backyard cleaning sign-in sheet was provided and signed daily from 02/15/16 to 02/24/2016. Additionally, a monthly visual observation inspection log was provided for 2015.
Justification if applicable for: alt discharge locations; representative sampling reduction; or qualified combined samples	**NA**	
Procedures for field instrument calibration	**No**	The pH measurements for water samples outlined in the 12/19/2015 and 01/06/2016 chain of custody reports were not performed within 15 minutes after the sample was collected. Instead, samples were taken to the lab of analysis. Sample pH screens must be performed as soon as practicable, no later than 15 minutes after the sample is collected, in accordance with Attachment H of the permit
Example of chain of custody	**Yes**	

Special Requirements – Plastic Materials (Section XVIII)

	Yes/No	Comments
Containment systems or alternate BMPs	**No**	No containment systems at on-site storm drains. No alternative BMPs employed.

Durable sealed containers at loading / unloading / transfer/ storage areas	**No**	Durable sealed containers were not observed onsite. Images 0026 – 0031 of the photo log shown multiple leaking super sacks and loose plastic resin pellets in and around the dumpster. See also Images 0018 – 0019.
Form of secondary containment at loading / unloading / transfer / storage areas	**No**	No catchment devices as a form of secondary containment were observed.
Vacuum system(s) available?	**No**	Plastic resin pellets are transferred using an indoor vacuum system. However, no vacuum-type system for quick cleanup of fugitive pellets was observed.
Containment system or alternative for plastics materials < 1mm in size	**NA**	No containment system designed to trap plastics less than 1 mm in size were developed. Images 0041 – 0042, 0044, and 0046 – 0048 of the photo log do not show a complete containment system. Additionally Images 0050 and 0052 show storm drains clogged with sediment and cannot capture plastic pellets.

SECTION III – AREAS OF CONCERN

We held a closing conference at the conclusion of the inspection. During the closing conference, we reviewed the preliminary inspection observations and areas of concern with Mr. Warpack. The presentation of areas of concern does not constitute a formal compliance determination or violation.

1. I observed, at the time of the inspection, scattered polystyrene resin plastic pellets on the impervious surfaces exposed to wind dispersion and storm water runoff located around the backyard and silo storage area (see Images 0032 – 0036) and around the Facility dumpster at the north end of the parking lot (see Images 0018 – 0019). Additionally, I observed scattered pellets on impervious surface areas from leaking super sacks and storage containers at and around the backyard and silo storage area (Images 0026 –0031). The dumpster, backyard and silo storage areas are upgradient of the storm water trench that flows north to south through the parking lot (Images 006, 007, and 0053) before discharging out the parking lot entrance via Main Drain Discharge A. Section X.H.1.a.i and Section X.H.1.a.vi, Good Housekeeping Minimum BMPs, of the Permit, states the Facility shall observe, identify, clean, and properly dispose of industrial materials, debris, and waste and contain all materials or wastes from wind dispersion and storm water contact. The SWPPP makes no mention of plastic materials that may discharge offsite to be cleaned up in a timely manner.

2. I observed no pollution prevention equipment onsite. I observed no records of inspection for testing and maintenance of pollution prevention equipment. I observed that the Facility had not documented initial and annual refresher training

for spill and leak response personnel at the Facility. SWPPP Section, Preventative Maintenance Section 8.2, states "[Maintenance Supervisor] is trained in spill prevention and response." Mr. Warpack stated that spill response training had been provided; however, documentation of this training had not been maintained.

3. I observed that the Facility had not documented a Contingency and Emergency Preparedness Plan at the Facility. SWPPP Section, Spill Prevention and Response Procedures Section 8.4 states "Modern Concepts maintains a current Contingency and Emergency Preparedness Plan in case of hazardous material spill." Mr. Warpack stated that little to no hazardous material is handled on site that would warrant such a plan; however, Images 0020 illustrated at least 2 barrels of hazardous material stored outside under pallets onsite. Additionally, the facility is registered with the Los Angeles County Fire Department to handle Hazardous material with an assigned CERS ID number 10269547. I observed ongoing forklift maintenance at the Facility. SWPPP Section, Spill Prevention and Response Procedures Section 8.4, states "Vehicles are not serviced at this facility." See Images 008 - 0011. Mr. Warpack confirmed the forklift was being worked on.

4. I observed that the Facility had not developed a training schedule or a training certification for employees or documented employee training provided. SWPPP Section 8.6 Employee Training and Section 10.5 Training, states "Employee training is conducted annually for all personal responsible [and Manufacturing Manager] for implementation activities, and Appendix 3 contained a training verification form". Mr. Warpack stated that all stormwater training was conducted at the time of OSHA training; however, no stormwater training documentation was maintained. See permit X.H.1.f requirement to develop a training program and maintain records.

5. I observed that the Facility had not developed or implemented a method of tracking and recording BMP implementation at the Facility. SWPPP Section 8.7, Record Keeping and Internal Reporting Procedures does not discuss a method of tracking and recording the implementation of BMPs identified in the SWPPP, as required in Section X.H.1.g of the permit. Based on discussions with Facility Contacts, I observed that Modern Concepts was not aware of this requirement or any BMP tracking method or documentation.

6. The digital copy of the SWPPP that was printed upon commencement of the inspection did not have a placeholder for a facility contact to sign and certify the SWPPP. Additionally, I observed that the Pollution Prevention Team outlined in Section 6.0 of the SWPPP did not accurately describe the responsibilities, duties, and activities of all team members. Specifically, position description was provided without identifying each team member. Additionally, no team member was identified as having the responsibility of sample collection.

7. I observed that Modern Concepts did not include all minimum information on the Facility site map per the Permit. Section X.E.3, Site Map, of the Permit, states Modern Concepts is required to include specific elements on the Facility site map.

Each element not depicted on the Facility's onsite copy of the site map was reviewed at my office immediately after the inspection, and is provided in the Site Map(s) Section X.E Table above.

8. I observed that Modern Concepts did not include in Table 2 of the SWPPP a complete list of industrial materials handled at the facility that specified the locations of where each material is stored, received, shipped, as well as typical quantities.

9. I observed that Modern Concepts did not include a complete description of potential pollutant sources as it relates to industrial processes, as required in Section X.G.1.a of the permit. Section 10.0 of the SWPPP does not completely describe industrial processes such as manufacturing, cleaning, maintenance, recycling, and disposal. The facility described other regulatory programs such as the Toxic Release Inventory (TRI) requirements.

10. I observed that Modern Concepts did not include a complete description of potential pollutant sources as it relates to materials handling and storage areas, as required in Section X.G.1.b of the permit. Section 7.6.5 Significant Materials and Handling Summary of the SWPPP does not completely describe material handling and storage areas such as the type of material, characteristics, and the quantity of industrial materials handled and stored. Additionally, the spill or leak prevention and response procedures cite the Facility's Contingency and Emergency Preparedness Plan which Mr. Warpack confirmed has not yet been written.

11. I observed that Modern Concepts did not include a complete description of potential pollutant sources as it relates to significant spills and leaks, as required in Section X.G.1.d of the permit. The Facility contact Mr. Warpack stated that no significant spills have occurred within the previous five-year period; however, there was no list of industrial materials that included the approximate quantity. Additionally, the preventative measures taken by the Facility to ensure spills and leaks of the material do not occur was inadequate. Table 2 of the SWPPP lists plastics enclosed in silos as significant materials stored outside which "minimizes stormwater contact"; however the photo log documents leaking of super sacks of plastic resin pellets stored outside with potential of exposure to precipitation.

12. I observed that Modern Concepts did not include a narrative assessment of all areas of industrial activity with potential industrial pollutant sources, as required in Section X.G.2 of the permit. The SWPPP did not provide a narrative assessment of likely sources of pollutants at the site, likely pollutants present in storm water discharges, or identify minimum or additional BMPs to reduce or prevent pollutants in industrial stormwater discharges. Section 7.0 of the SWPPP states "no significant materials, as defined under the terms of this permit, are expected to be present in storm water discharges".

13. I observed that Modern Concepts did not prepare a Monitoring Implementation Plan (MIP) in accordance with the requirements of Section X.I. of the permit. According to the SWPPP, the Pollution Prevention team positions and responsibilities were described, but team members were not identified.

Additionally, no team position was identified for stormwater sampling. Additionally, after reviewing the 12/19/2015 and 01/06/2016 sampling procedure in the chain of custody reports at my office immediately after the inspection, I observed the pH measurements were sent to contract laboratory for analysis. The pH screens must be performed as soon as practicable, no later than 15 minutes after the sample is collected, in accordance with Attachment H of the permit.

14. Facilities that handle plastic materials are additionally required to implement BMPs to eliminate discharges of plastic in storm water as specified in Section XVIII Special Requirements – Plastic Materials of the permit. I observed that Modern Concepts did not specify how it would implement and include these special requirements in the SWPPP. I observed that Modern Concepts was not familiar with these special requirement outlined in Section XVIII of the permit per my conversation with Mr. Warpack during the opening conference. I observed no containment or catchment systems at on-site storm drains were implemented to capture plastic resin pellets. Additionally, I observed a lack of durable sealed containers onsite (Images 0026 – 0031 of the photo log) which, shown multiple leaking super sacks and loose plastic resin pellets in and around the dumpster. Additionally, I observed no vacuum for quick cleanup of fugitive pellets, or any containment system designed to trap plastics less than 1 mm in size. Images 0041 – 0042, 0044, and 0046 – 0048 of the photo log do not show a complete containment system. Additionally images 0050 and 0052 show storm drains clogged with sediment, which could not capture plastic pellets.

SECTION IV – DOCUMENTS REQUESTED DURING INSPECTION AND ANALYTICAL RESULTS

At the time of the inspection, I requested the NOI, SWPPP, site map, MIP, training records, monthly visual observations logs, laboratory analysis reports with chain of custody reports, and annual reports from the last two (2) years. I reviewed the analytical results from two (2) Qualifying Storm Events (QSEs) on December 19, 2015 and on January 6, 2016 at my office immediately after the inspection (results not shown). The analytical parameters Oil & Grease and Total Suspended Solids required by the permit did not exceed benchmark values and were measured in accordance with EPA approved methods. The analytical parameter pH however, was not measured in accordance with EPA approved methods as discussed in #13 of the Areas of Concern.

SECTION V – LIST OF APPENDICES

Photograph Log

Attachment A

EPA Region 9 Enforcement Division
INSPECTION REPORT PHOTOGRAPH LOG

Inspected Facility:
Modern Concepts
3121 East Ana Street
Los Angeles, CA 90221

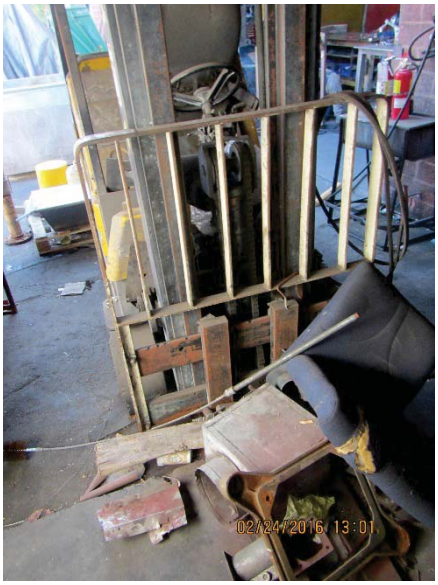
Inspection Date:
February 24, 2016

IMG_0006.JPG. Northward view of multiuse equipment stored outside of Parking lot along eastern building perimeter.

IMG_0007.JPG. Zoom in of Image 0006 of fire hydrants sitting on 2-level cart. Take note of white plastic pellets on first level of cart.

IMG_0008.JPG. Backside of forklift, adjacent to northeast shipping/receiving dock along parking lot.

IMG_0009.JPG. Zoomed in Engine of forklift from Image 0008 being worked on.



IMG_0010.JPG. Front side of forklift from Image 0008, adjacent to northeast shipping/receiving dock.

IMG_0011.JPG. Front side angle of forklift from Image 0008.

IMG_0012.JPG. Northward view of metal parts stored outside north of forklift in Image 0008 along parking lot.

IMG_0013.JPG. Northeastern view of material stored outside in parking lot. Note unidentified white powder on impervious surface.

IMG_0014.JPG. Eastern view of empty plastic transfer silo stored outside on parking lot.

IMG_0015.JPG. Northwestern view of granite slabs and other miscellaneous items stored outside along parking lot.

IMG_0016.JPG. Zoomed in from Image 0015. Metal and wood parts stored in an open barrel.

IMG_0017.JPG. Northeastern view multiuse materials stored outside along parking lot.

IMG_0018.JPG. Inside view of dumpster located outside in the northeastern portion of the facility grounds. Note the loose plastic fragments.

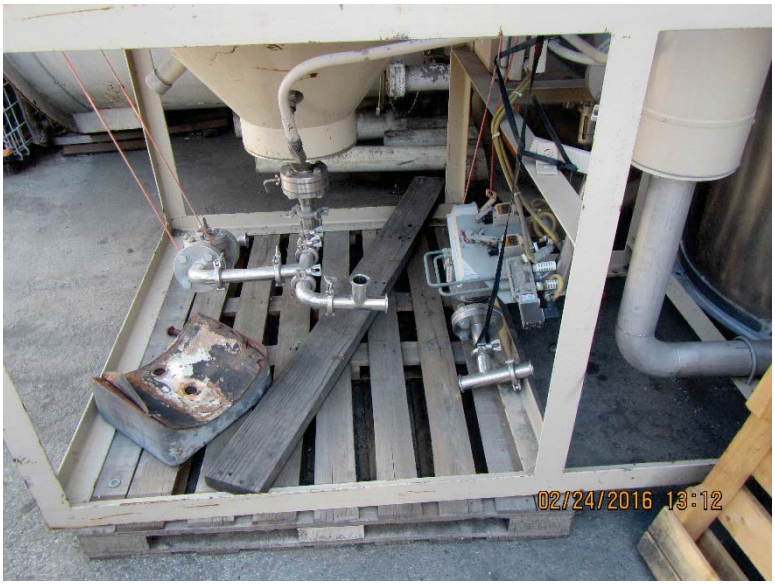
IMG_0019.JPG. Back view of the dumpster from Image 0018. Note the scattered plastic fragments and plastic debris scatted on impervious payment.

IMG_0020.JPG. Barrels of material marked as hazardous stored outside in northeast corner of parking lot.

IMG_0021.JPG. Grounds man sweeping facility premises during the inspection.

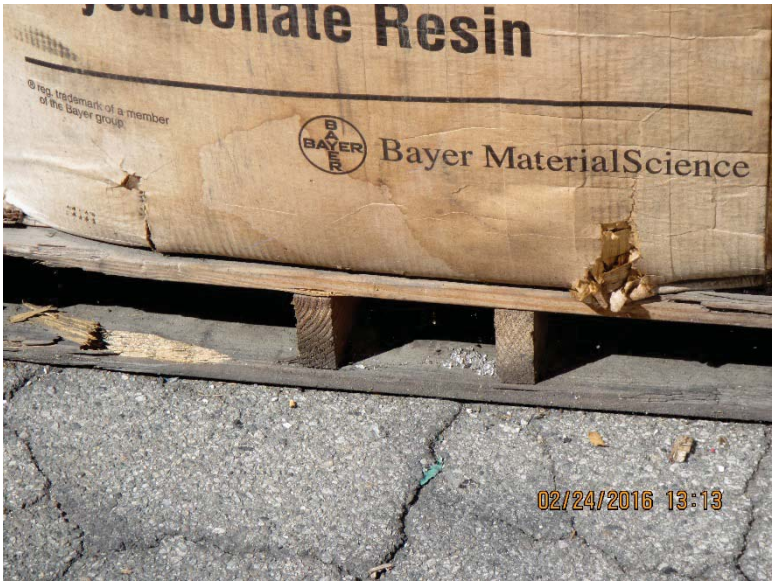
IMG_0022.JPG. Sweeping marks on stormwater trough traversing the parking lot

IMG_0023.JPG. Northwest corner of facility. Note scatted plastic pellets on impervious surface.



IMG_0024.JPG. Plastic pellet transfer silo. Note plastic pellets on impervious surface.

IMG_0025.JPG. Super sacks of plastic pellets in storage boxes outside in backyard section of facility.



IMG_0026.JPG. Zoomed in leaking super sack storage box of plastic pellets.

IMG_0027.JPG. Zoomed out leaking super sack storage box of plastic pellets from image 0026 in silo storage area.

IMG_0028.JPG. Zoomed out image of storage containers outside in silo storage area.

IMG_0029.JPG. Zoomed in image of leaking storage containers of plastic pellets from image 0028.

IMG_0030.JPG. Zoomed out image of storage containers outside in silo storage area.

IMG_0031.JPG. Zoomed in image of storage containers outside leaking plastic pellets from Image 0030.

IMG_0032.JPG. Outside storage of metal pipes outside in silo storage area.

IMG_0033.JPG. Zoomed in plastic pellets outside in silo storage area from Image 0032.

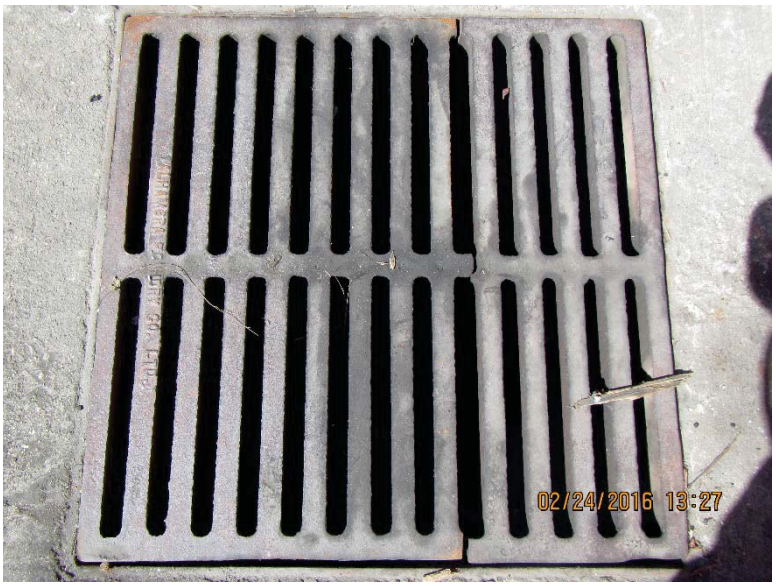
IMG_0034.JPG. Background image of debris on impervious surface in silo storage area.

IMG_0035.JPG. Zoomed in debris on impervious surface in silo storage area from Image 0034.

IMG_0036.JPG. Plastic fragments on impervious surface adjacent to super sack storage boxes outside in silo storage area.

IMG_0041.JPG. Sump Pump Discharge B drain of Southwest shipping and receiving dock.

IMG_0042.JPG. Interior shot of Sump Pump Discharge B drain from Image 0041 exhibiting metal mesh.



IMG_0044.JPG. Zoomed in image of sump Pump Discharge B drain of Image 0041.

IMG_0046.JPG. Additional interior shot of Sump Pump Discharge B drain from Image 0041. Note inconsistent metal mesh from Image 0042.

IMG_0047.JPG. Additional interior shot of Sump Pump Discharge B drain from Image 0041. Note lack of uniform metal mesh from Images 0042 and 0046.

IMG_0048.JPG. Zoomed in image of Sump Pump Discharge B from Image 0041.

IMG_0049.JPG. Modern Concepts façade facing East Ana St.

IMG_0050.JPG. Main Drain Discharge A drains at the parking lot entrance of Modern Concepts.

IMG_0052.JPG. Zoomed in Main Drain Discharge A drain clogged with sediment from Image 0050.

IMG_0053.JPG. Northward view of stormwater trough running down the parking lot entrance gate as Main Drain Discharge A.

IMG_0054.JPG. Southwest shipping and receiving dock which holds Sump Pump Discharge B from Image 0041.

IMG_0055.JPG. Side view of Sump Pump Discharge B along East Ana St.